

1 Richard Alan Arnold, Esquire
2 William J. Blechman, Esquire
3 Kevin J. Murray, Esquire
4 Samuel J. Randall, Esquire
5 KENNY NACHWALTER, P.A.
6 201 S. Biscayne Boulevard
7 Suite 1100
8 Miami, Florida 33131
9 Tel: (305) 373-1000
10 Fax: (305) 372-1861
11 E-mail: rarnold@knpa.com
12 wblechman@knpa.com
13 kmurray@knpa.com
14 srandall@knpa.com

15 *Counsel for Plaintiff Sears Roebuck and Co.*
16 *and Kmart Corp.*

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN FRANCISCO DIVISION**

20 **In re: CATHODE RAY TUBE (CRT)**
21 **ANTITRUST LITIGATION**

Master File No. 07-5944 SC

MDL No. 1917

22 This Document Relates to:

23 *Siegel v. Hitachi, Ltd.*, No. 11-cv-05502;

24 *Best Buy Co., Inc. v. Hitachi, Ltd.*, No. 11-cv-
25 05513;

26 *Target Corp. v. Chunghwa Picture Tubes, Ltd.*, No.
27 11-cv-05514;

28 *Sears, Roebuck and Co., & Kmart Corp. v.*
Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-
05514-SC;
Siegel v. Technicolor SA, et al., No. 13-cv-05261;

Best Buy Co., Inc., et al. v. Technicolor SA, et al.,
No. 13-cv-05264;

Sears, Roebuck and Co. and Kmart Corp. v.
Technicolor SA, No. 3:13-cv-05262;

Target Corp. v. Technicolor SA, et al., No. 13-cv-
05686;

Viewsonic Corp. v. Chunghwa Picture Tubes, Ltd.,
No. 14-cv-02510

**DECLARATION OF SAMUEL J.
RANDALL IN SUPPORT OF
DIRECT ACTION PLAINTIFFS'
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER SEAL
PURSUANT TO CIVIL LOCAL
RULES 79-5(e) AND 7-11**

The Honorable Samuel Conti

1. I am a member in good standing of the State of Florida.

2. Except for those matters stated on information and belief, which I believe to be true, I have personal knowledge of the facts recited in this declaration and, if called upon to do so, I would competently testify under oath thereto.

3. I am an attorney at the law of Kenny Nachwalter, P.A., counsel for Plaintiffs Sears, Roebuck and Co. and Kmart Corp. in the above-captioned action. I submit this declaration pursuant to L.R. 79-5 in support of Direct Action Plaintiffs'¹ Administrative Motion to File Documents Under Seal. The statements made herein are based on my personal knowledge.

Through this Motion, Plaintiffs seek permission to file under seal the following documents that contain information that has been designated confidential or highly confidential ("Designated Documents"):

- Exhibit 1 to the Declaration of Samuel Randall in Support of Direct Action Plaintiffs' Response in Opposition to Defendants' Motion in *Limine* to Exclude Evidence of "Spillover" or "Ripple" Effects of Foreign Price-Fixing Activities on U.S. Prices, consisting of excerpts of Rebuttal Expert Report of Dr. Kenneth G. Elzinga dated September 26, 2014; and
- Exhibit 2 to the Declaration of Samuel Randall in Support of Direct Action Plaintiffs' Response in Opposition to Defendants' Motion in *Limine* to Exclude Evidence of "Spillover" or "Ripple" Effects of Foreign Price-Fixing Activities on U.S. Prices, consisting of excerpts of Rebuttal Report of Dr. James T. McClave dated September 26, 2014.

4. The Designated Documents contain excerpts from and/or statements derived from expert reports, documents and testimony that have been designated "confidential" or "highly

¹ The Direct Action Plaintiffs that parties to this Motion are Best Buy Co., Inc., Best Buy Purchasing LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P., Bestbuy.com, L.L.C.; Alfred H. Siegel, solely in his capacity as Trustee of the Circuit City Stores, Inc. Liquidating Trust; Sears, Roebuck and Co.; Kmart Corporation; Target Corp.; and Viewsonic Corporation.

1 confidential” pursuant to the Stipulated Protective Order governing the *CRT Antitrust MDL*,
2 which was entered by Judge Samuel Conti on June 18, 2008 (Dkt. 306). The confidential/highly
3 confidential designations were made by certain defendants in the *CRT Antitrust MDL*. To qualify
4 as confidential or highly confidential under the Stipulated Protective Order, the information must
5 contain trade secrets or other confidential research, development or commercial information or
6 private or competitively sensitive information (§1).

8 5. The Stipulated Protective Order requires that a party may not file any confidential
9 material in the public record (§10). The Stipulated Protective Order further provides that any
10 party seeking to file any confidential material under seal must comply with Civil Local Rule 79-5
11 (§§ 1, 10).

13 6. The Designated Documents contain such confidential material and, pursuant to
14 Local Rule 79-5(e), Plaintiffs seek to submit the above material under seal in good faith in order
15 to comply with the Protective Order in the *CRT Antitrust MDL* and the applicable Local Rules.

16 I declare under penalty of perjury under the laws of the United States and the State of
17 Florida that the foregoing is true and correct.

18 Executed on this 27th day of February 2015, at Miami, Florida.

20 /s/ Samuel J. Randall
21 Samuel J. Randall
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

On February 27, 2015, I caused a copy of the foregoing document to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.

By: /s/ Samuel J. Randall
Samuel J. Randall